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SUBJECT: SE TURKEY SEES SOME HUMAN RIGHTS PROGRESS

REF: ADANA 0104

1. (SBU) Summary: Lawyers and human rights activists told DPO in August 11-13 meetings in Diyarbakir, Tunceli, Bingol, Elazig and Malatya that recent reforms have resulted in progress in human rights practices in southeast Turkey, especially in the areas of detention and pre-trial procedures, access to lawyers (for all but terror-related suspects, they say), and even to a limited extent, in the area of freedom of speech and association. Contacts welcomed recent progress on Kurdish language instruction and broadcasting but were skeptical that actions taken to date come anywhere close to satisfying demands for increased cultural rights for Turkey's Kurdish population. Most observers qualify these relatively positive assessments of the human rights situation by adding that the PKK/Kongra-Gel's June 2004 abandonment of its ceasefire has increased tension in the region, and that the human rights situation could be in for a change. End Summary.

Turkey is on the right path, for now

2. (SBU) Lawyers and human rights activists across the board told DPO in August 11-13 meetings in Diyarbakir, Tunceli, Bingol, Elazig and Malatya that the past five years had brought limited, but still important progress in human rights practices in the Southeast of Turkey. A Tunceli lawyer went so far as to state that "torture and mistreatment are at their lowest levels in the history of Turkey." Others were less ebullient ("the general trend is weak, but it is one of improvement") and all stressed the inconsistency in application of improved practices. Nevertheless, a consensus existed among contacts that Turkey has been "on the right path."

3. (SBU) Positive developments most often cited by rights activists are improved detention and pre-trial procedures, enhanced access to lawyers (for all but terror-related suspects), slightly greater freedom of speech and association, and the extension of the statute of limitations for officials involved in torture. NGOs were not alone in praising recent reforms; Diyarbakir's acting public prosecutor said that the clearer language and decreased ambiguity of new laws was a welcome result of the EU harmonization process. [Note: He, as well as his counterpart in Elazig, confessed that it is challenging to keep up with the pace of change. Both said they use the Turkish Parliament's internet site as their primary method of keeping up to date with changes to the law. End note.]

Improved Public Education About Rights

4. (SBU) NGOs and lawyers gave police higher marks than the Jandarma in the area of human rights, claiming they were more "sensitive to the democratization issue." The demand side of the human rights equation is improving as well, according to contacts, as the public becomes more educated (and emboldened by the EU process) about civil liberties. In the first six months of 2004, requests for the Diyarbakir Bar's services surpassed the entire number of requests in 2002-03. Lawyers attribute this to a recent Bar education campaign. During a nine-day security operation in Diyarbakir (reftel), for example, police confronted protestors objecting to the operation on several occasions. According to one lawyer, "We saw a greater awareness of rights both on part of public and the police." A police official reportedly asked one protestor a loaded question ("How long have you been supporting the PKK?"), and the individual responded that he wanted to use his right to remain silent. "In the past they might have broken your hand for an answer like that," said the Bar lawyers, noting that in this case the individual did not suffer any ill effects from his response.

Uncommon Dialogue

5. (SBU) The Elazig Human Rights Association (HRA) branch office also reports some small victories along the same lines, from standing down a police request to get names of individuals who were attending a local funeral, to getting a response (but no information) to their "FOIA-like" request to the Governor for information about a specific case. The most surprising news from Elazig, given the views of many state officials about human rights organizations, was about the dialogue that apparently exists between the HRA and the government. The Elazig Governor paid a courtesy call to the HRA office recently, according to

the group's president, and moreover, tried to coax the HRA representative to attend meetings sponsored by the Interior Ministry's local human rights representative. The Governor reportedly told the HRA representative that he understood why HRA did not want to attend, but he stressed that since the other NGO's in attendance were "more statist than the state," the HRA could contribute a different voice to the dialogue.

Broadcasting and instruction OK, but "we're not impressed"

16. (SBU) Contacts did not have much praise for the recent establishment of private Kurdish language instruction schools and the broadcast of Kurdish language segments on state television. While all interlocutors welcomed these first steps toward meeting cultural rights, they consider them to be window dressing, and inadequate in addressing the demand. One Diyarbakir businessman acknowledged, however, that these two developments have an important psychological impact: "If you would have told me ten years ago that there would be Kurdish-language broadcasts on our television, I would have looked at you like you were from the moon," he said.

17. (SBU) Nevertheless, the substance of the changes leaves a great deal to be desired, according to activists. Kurdish broadcasts play for 30 minutes per week, they say, on a weekday morning when very few can see it. As for instruction, many complain that for-fee courses are not helpful, especially for those with limited means; what the Kurdish community is seeking are elective courses in schools and universities, they say. In addition, in Diyarbakir one must be 16 in order to enroll in courses, whereas most people would like to see younger children learning and carrying on the language. Teachers, even the wife of one contact whose Sorbonne degree is in "Kurdology", must undergo a certification process by Turkish authorities which observers found distasteful.

Still no shortage of violations

18. (SBU) While the overall situation had improved in recent years, there are still numerous complaints of human rights violations. The Bingol HRA leader has had 67 charges filed against him for what he considers "thought crimes," for example, and the Diyarbakir HRA leader 58. In connection with a May Day demonstration in Diyarbakir, HRA claims that 168 union supporters who had wanted to participate in a press release were taken to the Security Directorate, detained for 10 hours in an indoor gym, and then released without having been asked one question. More recently, during Tunceli's July 31 Culture and Nature Festival, police responded with what some observers considered "excessive force" to a group from the Inmates Family Association (families of suspected PKK militants), who wanted to carry out a previously unauthorized demonstration during the festival. Tunceli's DEHAP Mayor reported being pushed and insulted by Tunceli's Security Director in the scuffle, an account corroborated by a member of Tunceli's Bar Association. (Note: The Mayor of Tunceli is a woman who appears to be in her thirties, weighing no more than 120 pounds. End note.) Twenty-six individuals were detained for resisting arrest and carrying out an illegal demonstration. All but two were later released.

19. (SBU) Comment: Even the most skeptical observers give Turkey relatively good marks in improving the human rights environment in southeast Turkey during the past five years. Even where implementation is incomplete or inconsistent, just having new laws on the books is an advance, according to many lawyers, as they give a concrete basis for accountability. Human rights workers claim that the EU harmonization process had been "comforting people psychologically in their daily life." That sense of comfort, however, is in danger of being eroded by the PKK's June 2004 abandonment of its ceasefire, according to most observers (septel).